

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RECEIVED

AUG 4 2016

COURTNEY GARVIN PARTIN

Plaintiff,

(Enter above the full name of the plaintiff
or plaintiffs in this action.)

CLERK, U.S. DIST. COURT
WESTERN DIST. OF TENN

vs.

NO. 16-1178-JDT-egb

Michael W. Parris, Defendants,
et al.,

(Enter above the full name of the defendant
or defendants in this action.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C., §1983

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No ()
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs:

COURTNEY PARTIN

Defendants:

OFFICER SCOTT ETAL.

2. Court (if federal court, name the district; if state court, name the county):

WESTERN DISTRICT TENNESSEE

3. Docket Number:

11-2680-JDT-cgc

4. Name of judge to whom case was assigned:

James D. Todd

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissal

6. Approximate date of filing lawsuit:

august 8th 2011

7. Approximate date of disposition:

2-29-2012

II. Place of Present Confinement: N.W.C.X 960 STATE RT 212 Tiptonville TN 38079

A. Is there a prisoner grievance procedure in the institution?

Yes (☒) No (☐)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes (☒) No (☐)

C. If your answer is Yes:

1. What steps did you take? 6-16-16 I Filed (EXHIBIT #3)
grievance

2. What was the result? it was RETURNED TO Plaintiff as being
IN APPROPRIATE

D. If your answer is No, explain why not: _____

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff COURTNEY GARVIN PARTIN

Address NWCK 960 STATE RT 212 Tiptonville, TN 38079

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of an additional defendants.)

B. Defendant Michael W. Parri's is employed as
The warden
at NWCK 960 STATE RT 212 Tiptonville, TN 38079

C. Additional Defendants: Joseph Woodard officer of the
green Team STRIKE FORCE ONE
"ALL DEFENDANTS ARE SUED IN THEIR INDIVIDUAL CAPACITIES"

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.

"EXTRA SHEETS ATTACH"

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

WHEREFORE, PLAINTIFF PRAYS FOR RELIEF AS FOLLOWS:

- 1.) Let Plaintiff Amend complaint Due To complex case AND FACTS OF DISCOVERY needed Video TAPE of incident.
- 2.) THE COURT SET AMOUNT OF compensatory damages TO Plaintiff
- 3.) That The COURT SET AMOUNT OF PUNITIVE damages TO Plaintiff
- 4.) That The COURT GRANT SUCH OTHER FURTHER RELIEF TO Plaintiff AS IT Deems APPROPRIATE

VI. Jury Demand

I would like to have my case tried by a jury. Yes (☒) No (☐)

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of our information, knowledge, and belief.

Signed this 2 day of AUGUST, 2016



COURTNEY PARTIN

(Signature of Plaintiff/Plaintiffs)

"EXTRA ATTACHMENTS CONTINUE"

“ATTACH” (Paragraph continued.)

III. “Parties” (Defendants in Their Individual Capacities.)

D) John Doe “one” Officer

E) John Doe “two” Officer

F) John Doe “three” Officer

G) John Doe “four” Officer

H) John Doe “five” Officer

I) John Doe “six” Officer

J) John Doe “seven” Officer

K) John Doe “eight” Officer

L) John Doe “nine” Officer

M) John Doe “ten” Officer

N) John Doe “eleven” Officer

O) John Doe “twelve” Officer Supervisor

P) John Doe “thirteen” Officer Supervisor

Q) STG Coordinator Rogers Officer at Northwest Correctional Complex 960

State Route 212 Tiptonville T.N. 38079

R) David Ables Internal Affairs Officer as Northwest Correctional Complex 960

State Route 212 Tiptonville T.N. 38079

S) Tony Parker Commissioner of Tennessee Department of Corrections at

Nashville, Sixth Floor Rachel Jackson Building, 320 Sixth Ave. North Nashville T.N.

37243-0465

T) Elizabeth Warren Officer Incident Commander

U) Sergeant Cagle Disciplinary Board Officer of Northwest Correctional

Complex 960 State Route 212 Tiptonville T.N. 38079

V) “Medical Service” The Northwest Correctional Complex Clinic 960 State

Route 212 Tiptonville T.N. 38079

W) Dr. Tucker Doctor of medical service at Northwest Correctional Complex 960

State Route 212 Tiptonville T.N. 38079

X) Plaintiff sues each and all defendants (excluding The State of Tennessee) in their individual capacities.

IV. Statement of Claim

- 1) On 6-14-16 at approximately 5:30 p.m., while the Plaintiff was in the care, custody, and control of Northwest Correctional Complex's Warden Michael W. Parris. There was an institutional lockdown and search by the Strike Force One, where the Warden Michael W. Parris was present in Unit 12.
- 2) While the Plaintiff was in Unit 12 cell 63 on lockdown, on 6-14-16 at about 5:30 p.m. Strike Force One was conducting a search on cells 56-64 and 31-39. All inmates were in their boxers, t-shirts, and flip flops were taken to the bottom floor with their hands behind their backs (40 inmates) standing by the phones. The Plaintiff and James Couley were taken out of line from the others and placed on the wall. Then they were told to go on their knee's, the Plaintiff's knees were hurting bad, and the plaintiff was shaking. The Plaintiff asked to be able to sit another way, face or on chest, and at no time did the Plaintiff resist or offer violence to anyone. Joseph Woodard was talking bad to Plaintiff camera will show, Defendant Joseph Woodard tried to throw the Plaintiff. The Plaintiff went to his knees with hands behind his back.
- 3) There were 6-10 unknown Officer's, known as John Doe "one" in running tackled and hit plaintiff, then as they piled on John Doe "two" dump plaintiff, John Doe "three" choked Plaintiff. John Doe "four" kicked Plaintiff; John Doe "five" punched the Plaintiff. John Doe "six" scratched arm and squeezed the plaintiff's genitals, John Doe "seven" tazerred the Plaintiff, then John Doe

“eight” tazered plaintiff a long time. All the Defendants assaulted and beat the Plaintiff brutally, John Doe “nine” stomped plaintiff’s foot and twisted his leg, Plaintiff was being tazered by John Doe “eight”

- 4) John Doe “eight” zip tied the Plaintiff to tight and John Doe “ten” put his knee on Plaintiffs head while the Plaintiff lay on the floor, causing his cheek to swell up under his right eye. (See Exhibits #1, #2, #3, #11, #12, #13, #14, #15, #16, #17, and #18) All Attached
- 5) John Doe “ten” followed the Plaintiff to the shower, the Plaintiff being carried by each arm, John Doe “ten” went into shower first, the Plaintiff was lunged into the shower, John Doe “eleven” held door, John Doe “ten” drooped all his weight on the Plaintiffs head knee dropped the plaintiff, causing his face to burst open over his right eye about a 1 inch cut from the impact to the shower drain.
- 6) STG Rogers was standing at the shower door when the Plaintiff turned around , John Doe “ten” left out of the shower door , and turned back to the Plaintiff, was going to shoot the Plaintiff with a pepper gun. STG Rogers got the Plaintiff out of the shower and took the Plaintiff out of Unit 12 to the front door. Rogers then cut the zip ties off and put cuffs in their place. The Plaintiffs arms were swollen big where the zip ties were too tight.
- 7) As a result of the assault by the defendants, the Plaintiff suffered permanent visible scar onto face, pain in right knee, sharp pains in both elbows (like glass are in them) when pressure is applied to them. Numbness bad in left and weakness in his left hand. Right hand is numb from being zip tied too tight.

The Plaintiffs left knee, right foot, and shin were bleeding. The Plaintiff had 4 tazer marks on his back, and tazer marks were half-way around the Plaintiffs right leg. Red mark on left jaw, cut on face over 1 inch right eye. Bruising on both sides of face, chest, elbows, shoulders, and legs.

- 8) STG Rogers accompanied by 2 other officer's took the plaintiff to "medical services" on 6-14-16 at about 6 p.m.
- 9) While in "medical services" on 6-14-16 at about 6 p.m. the Plaintiff asked Dr. Tucker to stitch or sew his head. The Plaintiff was in a lot of pain from the use of excessive force and assault. The plaintiff at about 6:20 p.m. on 6-14-16 was denied treatment and was taken to Unit 4 segregation, bleeding, bare foot, in boxers, and t-shirt.
- 10) The Plaintiff was held in Unit 4 segregation for 21 days. From 6-14-16 to 7-5-16, without a hearing, Sgt Cagle Disciplinary Board Officer, and Elizabeth Warren Incident Commander denied the Plaintiff any and all process due to a hearing in exhibit #1 21 days segregation pending hearing. The Plaintiff was released from segregation without a hearing, no hearing, on relief in this matter.
- 11) On 6-15-16 at approximately 2 p.m. Royce York was sent to the Plaintiff for a drug test (Exhibit 4(A) and 4(B) incident #01217277). The Plaintiff told Officer York to take him to medical and stated to the officer that his condition was a "medical disability" it is documented. The Plaintiff doesn't pass urine every 2 hours.

12) On 6-20-16 Sgt Cagle found the Plaintiff guilty of Drug Test (Incident #01217277). Sgt. Cagle having prior knowledge to the Plaintiffs condition (exhibits 4(A), 4(B), 5, 6, 7, 8, 9, 10, with policy 506.21 page 7B.9 “attached”). Sgt Cagle said that policy 113.52 was stated, and that a lawsuit has to be directly involved with the medical issue (**See exhibit 10 page 2-6 of the disciplinary continuation**). Medical Officer Mrs. Phillips was called a prior disciplinary case (exhibit 10) under Sgt. Cagle and the Plaintiffs medical condition was stated and diagnosed as B.P.H to Sgt. Cagle. This medical disability condition would allow Blood Testing before conviction, when the medical disability is documented and the policy provides for other alternate methods of testing, like Blood Testing for people with those disabilities (exhibit #19) like the Plaintiff has.

13) This is a civil action seeking damages against the defendants for committing acts, which under the color of law deprived the Plaintiff of rights secured under the Constitution and Laws of the United States. For conspiring for the purpose of impeding and hindering the due course of justice, with intent to deny the Plaintiff equal protection of laws and refusing, or neglecting to prevent such deprivations and denials to the Plaintiff.

14) The Plaintiff requested medical treatment and has requested since 6-14-16. The Plaintiff finally received his cards of Naproxen 500mg on 7-3-16 at about 4:40 am.

15) The Plaintiff saw Nurse Zackery on 6-16-16 at about 11 a.m. Officer Rupp was there and the Plaintiff asked for an Investigative Report of Injury. Rupp

took the Plaintiff in the core form seeing Nurse Zackery, and Unit Manager

Tye corporal officer told the Plaintiff their was no Injury Report..

16) On 6-20-16 at about 7:48 p.m. Officer Jackie Johnson told the Plaintiff that he would look into it.

17) On 6-21-16 at about 5:30 p.m. The Plaintiff saw Nurse David and Nurse Brenda, and made a note of the wounds.

18) On 7-8-16 at about 2:30 p.m. Unit Manager Tarver took the Plaintiff to the STG office for an armband. Tiffany Garr and Captain Perkins were there, Garr took pictures of wrist, head, and face of the Plaintiff.

19) On 7-14-16 at about 3:40 p.m. the Plaintiff saw Dr. Tucker, Dr. Tucker asked the Plaintiff was his name Courtney a girls name. The Plaintiff told DR. Tucker his elbows hurt badly like bone chips were in them both. Tucker said it would go away and in right knee, also the numbness in hands will go away.

20) Plaintiff suffers in pain and they laugh

21) There were no incident reports made on 6-14-16 of injuries

22) David Ables said he was there at the clinic on 6-14-16, at 6 p.m. The Plaintiff sent request to Ables on 6-16-16 about incident asking for investigation and medical. On 7-12-16 at about 3 p.m. in Unit 11 David Ables responded to another incident and came to 28 cell saying that Strike Force One had that incident he didn't.

23) On 7-20-16 about 1 p.m. STG Rogers stated to Plaintiff that he would find out about what was being done. As well he has the before and after pictures and is

also going to look into medical and why they haven't been treating the Plaintiff.

24) The Plaintiff filed a grievance, and Captain Perkins returned it as a inappropriate grievance

25) The Plaintiff mailed that copy to Commissioner Tony Parker on 7-7-16 (See Exhibit 12)

26) The Plaintiffs lawyer (exhibit #2) sent a letter to the Warden Michael Parris about the incident on 6-14-16 where Michael W. Parris was present

27) The Plaintiff has not been able to work since the 6-14-16 incident

28) The Plaintiff is suffering in pain and needing treatment as well as being in fear for his physical safety

Claim for Relief:

29) The unprovoked beating of the Plaintiff by the Defendants Joseph Woodard, John Doe "one", John Doe "two", John Doe "three", John Doe "four", John Doe "five", John Doe "six", John Doe "seven", John Doe "eight", John Doe "nine", John Doe "ten", and John Doe "eleven", on 6-14-16 violated his rights.

And,

Violated the due process clause of the 14th Amendment of the United States Constitution

And,

Violated his rights and constituted cruel, and unusual punishment under the 8th of The United States Constitution

And,

Violated his right under the conditions of confinement of the 8th amendment of the United States Constitution

And,

Violated his rights of Assault and Battery and Negligence

30) The Plaintiff 's Rights To Health and Safety was intentionally ignored by the

Defendants Michael W. Parris, Joseph Woodard, John Doe "one", John Doe

"two", John Doe "three", John Doe "four", John Doe "five", John Doe "six",

John Doe "seven", John Doe "eight", John Doe "nine", John Doe "ten", and

John Doe "eleven", John Doe "twelve" John Doe "thirteen" STG Rogers,

David Ables, Tony Parker, Elizabeth Warren, medical services and Dr. Tucker

on 6-14-16 violated his rights,

And,

Violated the Due Process Clause of the 14th Amendment of the United States Constitution

And,

Violated his rights and constituted cruel and unusal punishment under the 8th Amendment of the United States Constitution

And,

Violated his rights under the conditions of confinement of the 8th Amendment of the United States Constitution

31) Defendants Micheal W. Parris and John Doe "twelve" failed to act, protect

and provide care on 6-14-16 violated the Plaintiff's rights and

And,

Violated the Due Process Clause of the 14th Amendment of the United States Constitution

And,

Violated his rights and constituted cruel and unusual punishment of the 8th Amendment of the United States Constitution

And,

Violated his rights under the conditions of confinement of the 8th Amendment of the United States Constitution

32) The denial to protect, act, and provide care to the Plaintiff by the Defendants

Michael W. Parris, David Ables, John Doe “twelve” and John Doe “thirteen”

on 6-14-16 violated his rights

And,

Violated the Due Process Clause of the 14th Amendment of the United States Constitution

And,

Violated his rights and constituted cruel, and unusual punishment under the 8th amendment of the United States Constitution

And,

Violated his rights under conditions of confinement of the 8th Amendment of the United States Constitution

33) The denial of medical to the Plaintiff by the Defendants medical service, Dr.

Tucker, John Doe “thirteen” and Michael W. Parris on 6-14-16 violated his rights and

And,

Violated the Due Process Clause of the 14th Amendment of the United States Constitution

And,

Violated his rights and constituted cruel and unusual conditions of the 8th Amendment of the United States Constitution

And,

Violated his rights under the conditions of confinement of the 8th Amendment of the United States Constitution

34) The Due Process Rights of the Plaintiff be defendant Sgt Cagle on 6-20-16

violated his rights and,

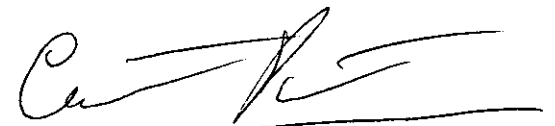
And,

Violated the Due Process Clause of the 14th Amendment of the United States

And,

Violated the 8th Amendment of the United States Constitution to be free from
cruel and unusual punishment

Attach: Exhibits #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15 ,
#16, #17, #18 , #19, and Policy 506.21



Courtney Partin #350945

NWCX

960 STATE RT 212
Tiptonville, TN 38079

8-2-16